

**TOWN OF ELSMERE  
PLANNING COMMISSION  
MEETING MINUTES  
November 1, 2011  
6:30 P.M.**

**PLEDGE OF ALLEGIANCE:**

**CALL TO ORDER:**

**ROLL CALL:**

Chairman Lindell – Present  
Commissioner Sheldon – Present  
Commissioner Anderson – Present  
Commissioner Swain – Present  
Commissioner Woodward – Present  
Commissioner Russo – Absent  
Commissioner Backer – Present

**PUBLIC COMMENT:**

None

**APPROVAL OF MINUTES:**

Approval of the Minutes from the October 4, 2011 Planning Commission Meeting

**ACTION:** Commissioner Backer made a motion to approve the Minutes from the October 4, 2011 Planning Commission Meeting as transcribed. The motion was seconded by Commissioner Woodward.

**VOTE:**            All in favor                      6-0 With 1 Absent                      Motion carried

**NEW BUSINESS:**

Review Petition 11-21 Tax Parcel #1900-400-746

Alison Boyer introduced herself as the owner of 258 Filbert Ave. She stated she wants to plant a Red Maple tree.

Chairman Lindell said that the selected tree falls within the Town's guidelines for tree-planting. He went on to ask if it would be planted in the grass median.

Ms. Boyer said it would be.

Chairman Lindell asked if Ms. Boyer understood that, as the homeowner, she would be responsible for any problems the tree may cause, such as sidewalk or sewer damage.

Ms. Boyer said she did.

Commissioner Anderson asked if there were any overhead utilities in that particular area.

Ms. Boyer stated there were not.

**ACTION:** A motion was made by Commissioner Backer to approve Petition 11-21. Commissioner Sheldon seconded the motion.

**VOTE:** All in favor 6-0 with 1 Absent Motion Carried

Review Petition 11-14 Tax Parcel #1900-800-365

Mike Paraskewich introduced himself as the applicant, stating he is an engineer from PELSA.

Mr. Paraskevich introduced Exhibit A-1, a color coded version of the originally submitted site plan for the property at 2 N. Park Dr.

Mr. Paraskewich stated they are proposing to construct a structure, just over 4400 sq.ft., on the parcel which is located in a GI Zone. He went on to say that, to the best of his knowledge, the parcel has existed before the zoning ordinances were in place. He stated the owners, John & Frank Rossi, are present. He said they currently use the existing lot for storage and that they now would like to add some warehousing space on the parcel. He said the parcel is just over 2.8 acres and is impervious material with millings. He went on to say that they would like to utilize the warehouse themselves or to rent it out. He stated they are proposing to have 7 parking spaces and that they would never be filled. He stated that they are currently in the LOMA process in order to get the parcel out of the flood plain.

Chairman Lindell stated that, due to the pending LOMA, they're all really there for a preliminary hearing.

Mr. Paraskewich said that they are seeking a recommendation for a lot-size variance and a recommendation for the building permit contingent to the LOMA so that when the LOMA is granted they could proceed with the project.

Chairman Lindell said that they would have to come back before the Planning Commission to present the building requirements, hydraulic requirements, etc.

Mr. Paraskewich stated that there would be no need for hydraulic requirements when the LOMA is granted.

Commissioner Anderson asked if they knew the actual intended use of the building is going to be.

Mr. Paraskewich stated they did not.

Commissioner Anderson asked how they could determine how many parking spaces would be needed if they didn't know what the use of the building was going to be.

Mr. Paraskewich said they imagine they will be making it a warehouse, but if they wanted to use the building for something else, they would come back for a variance for a change of use.

Commissioner Backer asked in what direction the run-off would flow.

Mr. Paraskewich stated it would flow the same direction it is currently, which is toward the creek.

Commissioner Backer asked if the building would be a permanent structure with electrical, plumbing, and heating in it.

Mr. Paraskewich said it would be.

Chairman Lindell asked what the hardship would be if they were not approved.

Mr. Paraskewich stated they would never be able to construct anything on the lot they pay taxes on unless it were incredibly small.

Commissioner Backer asked why they couldn't build a smaller building.

Mr. Paraskewich stated that, for industrial use, it would have to be a small office.

Chairman Lindell asked Code Enforcement for any concerns.

Code Officer Swift stated the only concern was that all FEMA regulations were followed.

Town Manager Giles stated that the only issue before the Commission was the request for a variance to build a structure in an undersized lot.

**ACTION:** A motion was made by Commissioner Anderson to recommend approval of Petition 11-14. Commissioner Woodward seconded the motion.

**VOTE:** All in favor 6-0 with 1 Absent Motion Carried

Review Petition 11-15 Tax Parcel #1900-500-021

Edward Hawkins introduced himself as the owner of the property known as 401 New Rd.

Chairman Lindell asked if Mr. Hawkins was looking to expand the driveway.

Mr. Hawkins stated he was.

Chairman Lindell asked what hardship would be suffered if the request for the variance was not granted.

Mr. Hawkins stated that the area was muddy and mud was being tracked all along the street out in front of the property. He went on to say that there was a puddle that was about 3-5" deep and had Mr. Fogarty come and lay out the soft spots, and the broken sidewalk. He stated he had planted some shrubbery as well.

Chairman Lindell asked if this was a temporary overfill of gravel so the contractors could get equipment in and out without sinking in the mud. He went on to ask if he intended to return it back to its original state.

Mr. Hawkins stated they filled it in and Mr. Fogarty did a little better of a job than he expected. He went on to say that they eliminated some "hiding spaces" by clearing out some of the trees in the area. He also said they widened the parking area in order to make it possible to turn around to eliminate backing out onto New Rd.

Chairman Lindell asked if the renovations they were doing on the house were complete.

Mr. Hawkins stated they would finish up some windows and siding, and be finished in about a week.

Chairman Lindell asked if the area was simply gravel at first.

Mr. Hawkins said there was a little gravel, but for the most part it was just mud.

Commissioner Backer asked if Mr. Hawkins planned to leave the area as stone or if he planned to blacktop the area.

Mr. Hawkins said he was just going to put down stone and leave it as such.

Commissioner Backer then asked Code if stones and gravel were considered pervious materials as far as roadways.

Code Officer Swift stated it is, in fact, pervious material.

Commissioner Backer asked if the reason for the petition was because of the removal of the trees and such.

Code Officer Swift said it was because Mr. Hawkins was going over the allowable lot coverage because the material he used was Crush and Run, which is impervious, and therefore, is considered to be lot coverage.

Mr. Swift then referred the Commission to section 225-10(b) which states, when there are more than 4 parking spaces there are some stipulations, one of which, is that they are not to extend into the required front yards, except for driveways. He went on to say that the area that Mr. Hawkins is putting in is mostly out into the front yard.

Mr. Hawkins then questioned what road the front yard was considered to be along.

Mr. Swift stated it was along New Rd. He went on to say that another stipulation stated in 225-10(b) of the Code is that the parking area is to be used solely for private passenger vehicles, not commercial vehicles.

Mr. Hawkins said that would not be a problem.

Commissioner Anderson asked how many occupants were to be living there.

Mr. Hawkins said one family for the one unit.

Commissioner Anderson then asked how many parking spaces they required.

Mr. Hawkins stated 4 because the tenants own 4 vehicles.

Chairman Lindell asked if he would be using the property for any other purposes other than a rental.

Mr. Hawkins stated he was going to put his own personal vehicle in the parking area as well.

Commissioner Backer said they need 5 parking spaces then.

Commissioner Anderson asked, if Mr. Hawkins were to shrink the area down in order to comply with the allowable lot coverage, would it cause any hardship for him.

Mr. Hawkins said no.

Patrick Debel introduced himself as a resident at 402 Junction St., located at the back of Mr. Hawkins' property. Mr. Debel stated he feels Mr. Hawkins was intending to use the parking area for overflow parking from his business across the street. He went on to say that the trees that were removed were a noise barrier for him from the traffic on Kirkwood Hwy.

Town Manager Giles told the Commission, that if the variance for lot coverage was ultimately granted, the stone that was put down could be changed to asphalt the next day.

John DiFrancesco introduced himself as the owner of 409 New Rd. He said Mr. Hawkins could get what he wants and still comply with the Code if he reconfigures the parking area.

**ACTION:** A motion was made by Commissioner Anderson to recommend denial of Petition 11-15. Commissioner Swain seconded the motion.

**VOTE:** All in favor 6-0 with 1 Absent Motion Carried

#### **OLD BUSINESS:**

##### Review of the Annual Comprehensive Plan Update Report

Town Manager Giles presented his report to the Chairman and Commissioners for approval.

**ACTION:** A motion was made by Commissioner Backer to accept the report as drafted. Commissioner Swain seconded the motion.

**VOTE:** All in favor 6-0 with 1 Absent Motion Carried

#### **ITEMS SUBMITTED BY CHAIRMAN AND BOARD MEMBERS:**

None

#### **PUBLIC COMMENT:**

None

**ADJOURNMENT:**

**ACTION:** A motion was made by Commissioner Swain to adjourn. Commissioner Backer seconded the motion.

**VOTE:**           All in favor                   6-0 with 1 Absent           Motion Carried

At this time the meeting was adjourned.

These minutes summarize the agenda items and other issues discussed at the November 1, 2011 Planning Commission Meeting. Votes are recorded accurately. The audio tape(s) of this meeting will be available at Town Hall for a period of two years from the date these minutes are approved. The audio tape(s) may be reviewed at Town Hall by appointment and in accordance with the Freedom of Information Act.

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**CHARLES LINDELL, CHAIRMAN**

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**LEON BACKER, SECRETARY**